

FILED '06 NOV 21 16:30 USDC-ORE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

SCOTT M. CROWLEY,

Plaintiff,

Civil No. 06-1344-TC

v.

FINDINGS AND
RECOMMENDATION

MARK SHIRTLIFF, et al.,

Defendants.

COFFIN, Magistrate Judge.

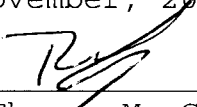
By Order (#3) entered November 1, 2006, plaintiff's complaint was dismissed and plaintiff was allowed 30 days to file an amended complaint curing the deficiencies set forth in the court's order. Plaintiff now moves to "Transfer To Cure Jurisdiction." (#4).

A transfer to the Central District of Utah would not cure

all of the deficiencies set forth in the court's order. Plaintiff has not been assessed a filing fee and would not be prejudiced by being required to file his claim in the appropriate court. I find that under these circumstances, this case should be dismissed without prejudice.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten days from the date of service of a copy of this recommendation within which to file specific written objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 21 day of November, 2006.



Thomas M. Coffin
United States Magistrate Judge

